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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/769,348	01/31/2004	Allan T. Steinbock	20045-65	8361				
572 CLIFFORD A. POFF 9800B MCKNIGHT ROAD SUITE 115 PITTSBURGH, PA 15237	7590 09/05/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">HEWITT, JAMES M</td></tr></table>		EXAMINER		HEWITT, JAMES M	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/769,348

Applicant(s)

STEINBOCK ET AL.

Examiner

James M. Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-21 is/are pending in the application.
- 4a) Of the above claim(s) 15, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 16, 17, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/30/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species: Species A of Figures 1-4 and Species B of Figures 5-7. The species are independent or distinct because:

Inventions A and B are directed to related compression generators. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed are not capable of use together and are materially different in design. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 14 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

During a telephone conversation with Clifford Poff on 8/21/07 a provisional election was made without traverse to prosecute the invention of Species I, claims 14, 16-17 and 20-21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15 and 18-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Information Disclosure Statement***

The information disclosure statement filed 4/30/07 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Accordingly, the two foreign patent documents have not been considered.

***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.

The first name and surname is indiscernible for the first, third, fourth and fifth inventors. The last name is indiscernible for the second inventor. All of the information for the third inventor is indiscernible, with the exception of the country and citizenship.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The following does not find proper antecedent basis in the specification: fixed and moveable parts; friction element; mounting surface.

### ***Claim Objections***

Claims 14, 16-17 and 20-21 are objected to because of the following informalities:

Claim 14 is objected to under 37 CFR 1.75(i), which states "Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation."

In claim 14, line 3, "said moveable part" lacks proper antecedent basis.

In claim 14, line 4, "said fixed part" lacks proper antecedent basis.

In claim 14, line 5, "said moveable part" lacks proper antecedent basis.

In claim 16, line 2, "releasable" should be "releasably".

In claim 16, line 3, "said fixed part" lacks proper antecedent basis.

In claim 17, line 2, "an" should precede "annular".

In claim 17, line 3, it is unclear as to how the pipe member relates to the moveable part. It is apparent that they are one and the same, and if such is the case, the recited pipe member should be related to the moveable part.

In claim 17, line 4, "said moveable part" lacks proper antecedent basis.

In claim 20, line 2, "said moveable part" lacks proper antecedent basis.

In claim 20, line 2, "there between" should be one word.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 16-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reimert (US 4,094,539) in view of Tischler (US 6,712,096).

With respect to claim 14, Reimert discloses a compression generator including the combination of opposing fixed (10/11) and moveable (13/14) parts for forming a mechanical connection therebetween by transmitting a pushing force against a surface of said moveable part. Reimert employs a fastener assembly including screws disposed about the circumference of the apparatus, the screws acting to tighten respective dogs (16). Reimert fails to teach a fastening assembly including a carrier including a fastener at an outer peripheral edge thereof for retained support by said fixed part in a confronting relation to said moveable part, and a plurality of jackbolts each received in one of a plurality of holes at spaced-apart locations about an outer peripheral part of said carrier for receiving torque to generate said pushing force.

Tischler teaches a fastener assembly for a high pressure body, the fastener assembly

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including a carrier (42) including a fastener (46) at an outer peripheral edge thereof received by wall (20) of body (12), and a plurality of jackbolts (44) each received in one of a plurality of holes at spaced-apart locations about an outer peripheral part of said carrier for receiving torque to generate said pushing force to secure seal head (26) against the body (12). Tischler's fastening assembly permits effective securement of a high-pressure fluid system. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace Reimert's fastening assembly with that of Tischler's in order to reliably secure the dogs (16) and pipes at high pressures.

With respect to claim 16, further including interconnecting threads (46 in Tischler) releasable joining the outer peripheral edge of said carrier and said fixed part.

With respect to claim 17, further including a friction element (16 in Reimert) engaged between said plurality of jackbolts and annular ring section (20 in Reimert) between annular grooves (18 in Reimert) of a pipe member for generating friction by torquing of said plurality of jackbolts toward said moveable part of said mechanical connection.

With respect to claim 20, further including spaced apart protrusions (20 in Reimert) on said moveable part for interlocking passage there between by a friction element (16 in Reimert).

With respect to claim 21, further including a mounting surface (outside of dogs 16 in Reimert) receiving compressive reaction forces by torquing of said jackbolts.



**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH  
8/21/07

  
JAMES M. HEWITT  
PRIMARY EXAMINER